

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BRYAN KESSEL
TDCJ-CID #01588720
v.
UNKNOWN

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C.A. NO. C-06-127

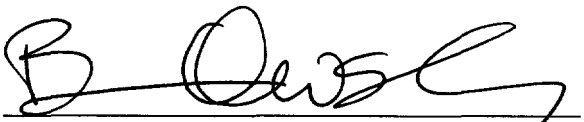
OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner held at the Harris County Jail in Houston, Texas. (D.E. 1, at 1). Petitioner states that he was convicted and sentenced on February 24, 2003, in the 178th Judicial District Court of Harris County, Texas.

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959, 960-61 (5th Cir. 2000). Petitioner is currently incarcerated and was convicted as well as sentenced in Harris County, Texas, which is located in the Houston Division of the Southern District of Texas. See 28 U.S.C. § 124(b)(2).

Federal law establishes that “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Houston Division.

ORDERED this 22nd day of March 2006.


BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE